

COMMISSIONING AND PROCUREMENT SUB-COMMITTEE – 10/07/2018

Subject:	Commissioning of Domestic And Sexual Violence Services		
Corporate Director(s)/ Director(s):	Candida Brudenell, Assistant Chief Executive and Corporate Director of Strategy and Resources Alison Challenger, Director of Public Health Andrew Errington, Director of Community Protection		
Portfolio Holder(s):	Councillor Chapman/Councillor Webster/Councillor Neal		
Report author and contact details:	Rasool Gore, Lead Commissioning Manager, 0115 8762299, rasool.gore@nottinghamcity.gov.uk		
Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subject to call-in	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons: <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total value of the decision: £11,511,018			
Wards affected:	Date of consultation with Portfolio Holder(s): 20/06/2018		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users): This report provides an update on work to commission domestic and sexual violence services. The aim of these services will be to support victims of domestic and sexual violence to safety and or recovery from abuse and violence (further details of services are outlined in Appendix1).			
Exempt information: None			
Recommendation(s):			
1 Approve to undertake a tender process for the Domestic Violence Service for Female Survivors service for a contract period of 3+2+2+2 years. This will be for an annual contractual value of up to £584,185.			
2 Delegate authority to the Head of Service for Contracting and Procurement to approve and sign off the outcome of the tender process for the Domestic Violence Service for Female Survivors and to award a contract.			
3 Approve the award and a contract to Equation for the male survivors service (as set out in the report and appendix 1) for a contract period of 3+2+2+2 years for an annual contractual value of up to £49,000.			
4 Approve the award and a contract to the current providers of domestic violence refuges (as set out in the report and appendix 1) for a contract period of 3+2+2+2 years for a total annual value of up to £472,487.			
5 In accordance with Financial Regulation 3.29 to grant dispensations to Contract Procedure Rule 5.1.2 in respect of the contracts to be awarded under decisions 3 and 4 with a value of £5.812m.			

6	Approve the award of a grant to Women's Aid Integration Service for supporting the delivery of the Domestic Violence Helpline (as set out in this report and appendix 1). It is recommended that this be for a grant period of 3+2+2+2 years for a total annual value of up to £173,330.
7	Delegate authority to the Head of Service for Contracting and Procurement to sign, or arrange for the sealing of, all contract documents arising under the recommendations of this report, including agreeing any extensions (based on performance and budget availability) of the proposed contracts.
8	Approve the spend associated with this decision.

1 **REASONS FOR RECOMMENDATIONS**

- 1.1 Approval is sought to procure a single service (as outlined in appendix 1), which brings together four current services for female survivors of domestic violence. It will deliver value for money due to a competitive process being undertaken as well as a reduction of service costs by integrating four services into a single service.
- 1.2 Approval is sought to award the male survivor service to Equation. This approach will ensure stability and familiarity to current service users (national research has shown that male survivors of domestic and sexual violence abuse are often reluctant to access services). It has proven to be effective in engaging and supporting male survivors of domestic and sexual violence abuse. On this evidence, the Joint Commissioning Group is recommending the continuation of this service.
- 1.3 Approval is sought to award the provision of refuge provision to the current providers (Nottingham Community Housing Association, Women's Aid Integrated Service and Metropolitan Housing Association). It should be noted that Nottingham City Council (NCC) officers have previously tried to secure appropriate safe and secure alternative refuge accommodation but were not successful.
- 1.4 Setting up a new refuge requires extensive consultation with the local community. This is fraught with difficulties given the sensitive and, by necessity, anonymous nature of refuges.
- 1.5 Consideration was given to whether or not to commission the support element of the service separately. However, this raises significant concerns regarding the ability to secure the current accommodation for future delivery. Knowledge of other Councils who have tried to commission the support element separately has shown that it has failed.
- 1.6 Approval is sought to award a grant to Women's Aid Integration Service to support the ongoing delivery of the domestic violence helpline. NCC is one of several funders for this service. NCC would not be able to set up a helpline on its current funding contribution and therefore it is being recommended that a grant be awarded. This contribution will enable Women's Aid Integration Service to use the funds to support the general activities in relation to the running of the helpline.
- 1.7 Longer contract periods are being recommended for all the above services, as this will support opportunity for providers to innovate during the contract life and respond to any necessary and permitted contractual changes. It will also support them to secure in additional funding from national sources, as they would be able to demonstrate a stable financial plan.

1.8 The recommendations above are based on current budgetary projections of NCC and partners. The contract will allow commissioners to review services in the context of budgetary pressures as well as managing any changes required due to a shift in policy or legislative changes.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Contracts for domestic violence support services are due to expire on the 31st of March 2019. These services will support the Council and its partners in delivering their statutory duties under the Housing Act 1996 (prevention of homelessness) and safeguarding responsibilities under the Children's and Social Work Act 2017 and the Care Act 2014.

2.2 The draft domestic and sexual violence chapter within the Joint Strategic Needs Assessment (JSNA) has concluded that there is still a need for domestic violence services in the city and for some services, this need is increasing. It has also concluded that the current configuration of service provision overall is effective in meeting that need but that it may not be sufficient in terms of meeting demand. For example, demand for the helpline is increasing and the need for refuge provision is expected to increase. The conclusions were based on consultation with previous users of the services outlined in this report, frontline staff supporting survivors, current providers, data analysis, national and local research and policy papers.

2.3 An options appraisal was carried out jointly with the City's Domestic and Sexual violence (DSV) Joint Commissioning Group (made up of partners across the City) on the four current services for female survivors. The four current services are the core independent domestic violence advocate, teen advocate, RISE outreach service and the Stronger Families service.

2.4 The DSV Joint Commissioning Group identified that the best option going forward was to procure a single service for female survivors on a 3+2+2+2 year's basis on a contractual value of up to £5,257,665. The rationale for this was that it would deliver value for money by reducing service costs and eliminating some duplication across all four services. This approach will also provide greater flexibility to the successful provider in delivering the service and offers the opportunity for a more efficient and streamlined service that is responsive to the needs of female survivors.

2.5 A review was taken jointly with the DSV Joint Commissioning Group of the independent domestic violence advocate for male survivors. The current service commenced on 1 April 2017. The DSV Joint Commissioning Group considered the option of joining this service with the female survivor provision. However, it decided that this was not the way forward due to different types of support and expertise required for this cohort and potential risk of safety amongst female survivors accessing support. Analysis and research has shown that male survivor's needs are different to the needs of female survivors. It also showed that around half of males seeking to access survivor support are subsequently found to be the primary perpetrators of domestic and sexual violence towards female survivors accessing support.

2.6 The DSV Joint Commissioning Group also considered whether to procure for this service. It decided that the best way forward was to award for 3+2+2+2 years based on a total contract value of up to £441,000 rather than go out to procure for this service. The rationale was that this would avoid confusion and uncertainty

amongst service users and provide stability of the service. This was seen as important as this cohort is known to be reluctant to access appropriate support (for further details refer to paragraph 1.2).

- 2.7 NCC currently commissions three refuges one of which is a specialist service for Black, Asian, ethnic minority female survivors, and their children of domestic and sexual violence. Refuge provision is an important part of the Council delivering its statutory duty under the Housing Act 1996, Care Act 2014 and the Children and Social Work Act 2017. Refuges provide a temporary safe and secure environment for some of the most vulnerable women and children fleeing domestic and sexual violence.
- 2.8 The DSV Joint Commissioning Group considered whether to procure this service. It was concluded that a procurement process in sourcing both accommodation and support would be unlikely to secure suitable accommodation and support that met the conditions of the Crime and Disorder Act 1998. It should be noted that in the past the Council has tried to find suitable accommodation that could be converted into refuge provision. However, it failed to identify any suitable provision. The Council does not have the right to award contracts to be delivered within buildings that they do not own. Therefore, a contract is being recommended for 3+2+2+2 years on a contractual value of up to £4,252,383.
- 2.9 The Domestic Helpline Service (24 hour Freephone) provides specialist information, support, advice and referral to survivors, their families and professionals regarding domestic and sexual violence and abuse. It supports the Council to deliver its statutory duties under the Housing Act 1996 (prevention of homelessness) and safeguarding responsibilities under the Children's and Social Work Act 2017 and Care Act 2014. The helpline is aligned to the Council's Homeless Gateway for referrals into refuge provision and is a key part of the national network of access to refuge provision for survivors and children. The helpline number is an established number amongst the public, professionals and partners, survivors of domestic and sexual violence. This number belongs to the current provider and is not transferrable to a new provider. A new number would take time to embed and secure the confidence of survivors of domestic and sexual violence.
- 2.10 The Domestic Violence Helpline Service is funded by several partners. As stated previously (paragraph 1.6) a grant for 3+2+2+2 years on a total contract value of up to £1,559,970, depending on the Council's budget to Women's Aid Integration Service is seen as the best option. This will ensure stability of the service and ensure that the number, which is widely recognised by services and professionals, remains the same.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Six options of contract configuration were considered. The options outlined above were identified as the best options to maximise efficiency whilst upholding the highest quality of service provision.
- 3.2 A discussion also took place with Nottinghamshire County Council commissioners to consider whether to jointly commission the above services. It became clear that timescales for the organisations did not align and therefore it is currently not possible to jointly commission. However, NCC commissioners will work with

County colleagues to ensure alignment of contracts, which will support any future joint commissioning of services.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The total value of this decision is **£11.511m for the period of 9 years**. This period includes three opportunities to extend for a 2-year period or re commission the services depending on business and financial need of the organisation.
- 4.2 The contracts all commence 1 April 2019 with any service amendments to be considered as part of the following budget processes for:
- 2022/23 – this is the year of the first extension;
 - 2024/25 – this is the year of the second extension and
 - 2026/27 – this is the year of the last extension
- 4.3 The funding for this decision is set out in **Table 1** below:

TABLE 1: FUNDING SUMMARY			
	Annual value £m	Approval period £m	Comments
Public Health	0.118	1.061	Long-term commitment from within the PH budget.
Nottingham City Council	0.896	8.065	Need to ensure extensions align to decisions taken as part of the budget setting process.
Office of Police Crime Commissioner	0.265	2.385	Possible risk of value changes.
TOTAL	1.279	11.511	

External funding will carry risks of continuity and therefore for each separate contractual extension, a written commitment is required from partners to mitigate these risks.

Hayley Mason – Strategic Finance Business Partner – 20th of June 2018

4.4 Chief Finance Officers Observations on Dispensation

Dispensation from financial regulation 3.29 and contract procedure rule 5.1.2 is supported in this instance for operational reasons.

The value required under this dispensation is £0.645m on an annual basis and £5.812m for the approval period.

Laura Pattman – Director of Strategic Finance & Chief Finance Officer – 20th of June 2018

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 The proposals set out in this report raise no significant legal concerns. The procurement approach set out for the continued delivery of the DSV services demonstrates a pragmatic approach to maintaining delivery to vulnerable groups of individuals, whilst ensuring compliance with both the Council and legislation procurement requirements.
- 5.2 Dispensation from the Council's constitution requirements has been requested in respect of two of the proposed contracts, male survivors and refuges. Under the Council's Contract Procedure Rules it is a requirement to seek a minimum of three tenders for contracts with a total value of £50,000 or over (save for set out limited situations). A dispensation may be granted in accordance with Financial Regulation 3.29 for operational reasons. Those reasons are set out clearly in this report and are supported by Legal Services.
- 5.3 It should be highlighted that although seeking a dispensation, the proposed awards are still compliant for the purpose of procurement legislation. The service type falls under the 'light touch' regime and therefore have a higher financial threshold before specific legislative requirements apply. The proposed male survivor's contract is below this threshold.
- 5.4 In respect of the refuges, due to the reasons set out in the report, on this occasion a negotiated procedure without prior publication can be supported for a lack of competition for technical reasons (based on the due diligence that has been conducted).
- 5.5 The contract documents will need to sufficiently allow the Council to extend the contracts for the full-proposed contract period and due to the potential duration to allow for contract variations that are permitted under the procurement legislation. Prior to exercising any discretion to extend the contracts, a review should be undertaken as to the market and the Council complying with its Best Value obligation.
- 5.6 The procurement of the Domestic Violence Service for Female Survivors proposed in this report will be undertaken by the Procurement Team in compliance with EU and UK Procurement Regulations (Light Touch Regime) and is supported from a procurement perspective.

The proposal to dispense from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation (3.29) (operational reasons) in order to direct award the contracts for male survivors and refuges as listed in Appendix 1, are compliant with financial regulations. The rationale for direct awards are described in the report. These proposals are supported from a procurement perspective.

Julie Herod Lead Procurement Officer – 14th of June 2018

Naomi Vass Senior Solicitor Contracts and Commercial – 15th of June 2018

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE (STRATEGIC REGENERATION COMMITTEE REPORTS ONLY)

6.1 Not applicable.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 Recommendations have been considered in line with the Public Services (Social Value) Act 2012. All services within this report aim to improve the social wellbeing of the client groups they target.
- 7.2 All the services being commissioned will require location within Nottingham and Nottinghamshire and as such is likely to provide employment opportunities for Nottingham citizens.
- 7.3 The services being commissioned will provide information and support to survivors of domestic and sexual violence abuse as well as access to a safe environment or information on a place of safety.
- 7.4 By providing support to access a place of safety and information to survivors of domestic and sexual violence abuse, we improve their ability to reengage with employment, volunteering opportunities, local community, education and training.

8 REGARD TO THE NHS CONSTITUTION

- 8.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.

9 EQUALITY IMPACT ASSESSMENT (EIA)

9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes

Attached, as Appendix 2, and due regard will be given to any implications identified in it.

Adisa Djan, Equality and Diversity Consultant, 26th of June 2018

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

10.1 Draft Joint Service Need Assessment – Domestic and Sexual Violence Chapter

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 None.